AO 247 (Rev. 03/19)   Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)   Page 1 of 2 (Page 2 Not for Public Disclosure)

UNITED STATES DISTRICT COURT
for the

District of Montana

United States of America v. Michael Richard Browning	)))))

Case No: CR 20-10-H-BMM

USM No: 18080-046

Date of Original Judgment: 05/20/2021

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☑ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C.
§ 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has
subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C.
§ 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10
and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

     ☑ DENIED.   ☐ GRANTED and the defendant's previously imposed sentence of imprisonment *(as reflected in
the last judgment issued)* of _____ months **is reduced to** _____ .

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

        Defendant seeks a sentence reduction under the retroactive application to the criminal history rules in Part A
of Amendment 821 to the United States Sentencing Guidelines. (*See* Doc. 84.) Defendant is ineligible.

        Part A limits the overall criminal history impact of "status points" for offenders who committed the instant
offense while under a criminal justice sentence. *See* USSG Ret. App. A & B, Sub. 1 Amendment 821 "Reasons for
Amendment" (Nov. 1, 2023). "A defendant is ineligible for a sentence reduction if the relevant amendment does not
have the effect of lowering the defendant's applicable guideline range." *United States v. Mercado-Moreno*, 869 F.3d
942, 949 (9th Cir. 2017); USSG §1B1.10(a)(2)(B) (2023).

        Here, Defendant received two "status points," resulting in a total criminal history score of 9 and a criminal
history category of IV. (PSR ¶¶ 97–99.) However, because a one-point reduction to his criminal history score from 9
to 8 under the retroactive application of Amendment 821 would not lower Defendant's criminal history category of IV
or associated guideline sentencing range, his motion is denied. *See* USSG Sentencing Table.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 07/02/2024

Brian Morris
_____
Judge's signature

Effective Date: _____
(if different from order date)

Brian Morris, Chief District Judge
_____
Printed name and title